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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,912	06/25/2001	Lynn J. Cresswell	CRE-01	5105

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LAW OFFICE OF DAVID L. TINGEY
321 BURNETT AVE. S., STE 303
RENTON, WA 98055

EXAMINER

OCAMPO, MARIANNE S

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,912

Applicant(s)

CRESSWELL, LYNN J.

Examiner

Marianne S. Ocampo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-8,10,13-17 and 19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1,3,4,6-8,10,13-17 and 19 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) and (a) as being anticipated by Biesinger (US 6,161,701).

3. With regards to claim 1, Biesinger discloses a separator/wash bucket screen, capable of use in a water bucket (similar to a pail/container 26) having a bottom and walls or a single cylindrical or frustum wall (26, 28), the separator/wash bucket screen comprising a platform (18, this term "platform" is being defined by the examiner as any *raised flooring or surface*, see Webster Dictionary, page 891) with a plurality of holes (20, particularly the embodiment shown in fig. 9) therethrough arrayed throughout the platform (18), a skirt (22) depending (substantially) vertically from a platform perimeter at a skirt proximal end supporting the platform above a skirt distal end adapted to rest on a bucket bottom, as in figs. 5, 7 and 9 and in cols. 3 - 5.

4. With respect to claim 3, Biesinger also discloses the (platform) skirt (22) being adapted to extend to a bucket wall (28) providing an effective splash shield between the screen (18, 22) and the bucket wall (28), as in figs. 5 and 7.

5. Claims 1, 3 - 4 and 6⁷ are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (US 44,311).

6. Concerning claim 1, Hill discloses a "wash bucket screen"/strainer capable of use in a wash bucket/container (similar in shape as the fluid container/funnel A) having a bottom and walls or single cylindrical or frustum wall, comprising a platform (B) with a plurality of holes (a)

therethrough arrayed throughout the platform generally, a skirt (b) depending vertically from a platform (B) perimeter at a skirt proximal end supporting the platform (B) above a skirt distal end adapted (capable of) to rest on a bucket bottom (which in this case a relative bottom end of the funnel/container A), as in figs. 1 – 2.

7. Regarding claim 3, Hill also discloses the platform skirt (b) being adapted to extend to a bucket wall (walls of A) providing an effective splash shield between the screen (B) and the bucket wall, as in fig. 1.

8. With regards to claim 4, Hill further discloses the strainer/wash bucket screen further comprising a flange (in the form of extending flanges d) extending horizontally (at least slightly to form a concave shape) outward from the rest of the skirt/flange (b), as in figs. 1 – 2 and page 1.

9. Concerning claim 6, Hill discloses the platform skirt (b) flexes resiliently to accommodate a narrowing bucket wall (tapering of walls of A) with the flange (d) extending to a bucket wall, as in fig. 1.

10. With respect to claim 7, Hill discloses the skirt also having vertical slits opening to a skirt distal end allowing skirt portions between slits to bend resiliently as the flange (d) rides on the bucket wall, as in fig. 1.

11. Claims 1, 8 and 13 - 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al. (US 3,516,478).

12. With respect to claim 1, Dunn et al. disclose a "wash bucket screen"/strainer (16) capable of use in a wash bucket/container (similar in shape as the fluid container 10) having a bottom (12) and walls or single cylindrical or frustum wall (11), comprising a platform (17, 30, 40) with a plurality of holes (22, 44) therethrough arrayed throughout the platform generally, a skirt (18) depending vertically from a platform (17, 40, 30) perimeter at a skirt proximal end supporting the platform above a skirt distal end adapted (capable of) to rest on a bucket bottom (12), as in figs. 1 - 8 and cols. 1 - 4.

13. Concerning claim 8, Dunn et al. also disclose the platform being planar and slanting from a high perimeter portion to a lower perimeter portion, as in figs 4 or 8.

14. With regards to claims 13 - 14, Dunn et al. further disclose the platform (40) further comprising a plurality of ridges (40, forming channels 41 therebetween) disposed radially on the platform from a center to a perimeter thereof, as in figs. 7 - 8. (In the rejection of claim 14, the examiner has considered the dependency of claim 14 being from that of claim 13, and not of claim 12 as in its current version).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 8, 10, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (US 44,311) in view of Dunn et al. (US 3,516,478).

17. Regarding claims 8 and 19, Hill further discloses the platform (B) being planar but fails to disclose the platform slanting from a high perimeter to a lower perimeter to assist debris to slide off the platform over the platform perimeter (claim 8), or the platform being slanted from horizontal in a single plane (as in claim 19). Dunn et al. teach a strainer having a planar platform (17, 16) (platform has been defined as any *raised flooring or surface*) with a plurality of holes (22) therethrough and a vertical skirt (18) depending from a platform perimeter at a skirt proximal end supporting the platform (17) above a skirt distal end adapted to rest on a bucket bottom (12), as in fig. 1. Dunn et al. teach an embodiment wherein the planar platform (17, 16) could be formed such that it slants (i.e. from horizontal in a single plane) from a high perimeter

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to a lower perimeter assisting any debris (impurities/particulates) to slide off the platform (upper surface of 17, 30) over the platform perimeter, as in fig. 4. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the platform of Hill from a planar flat surface to a slanting surface in order to allow the debris/particulates to slide off the platform thereby allowing more particulates to be separated thereby at a top surface of the screen.

18. Regarding claims 10 and 17, Hill as modified by Dunn et al., also teach the platform including channels (at lower ends of c, formed by the at least some of slits) in the skirt at the platform perimeter, at least some of those would be on the lower perimeter portion (as a result of the combination) channeling debris from the (slanted) platform to the bucket bottom outside the skirt, as in figs. 1 – 2 of Hill.

19. Claims 15 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US 3,516,478) in view of Hill (US 44,311).

20. With respect to claim 15, Dunn et al. disclose a separator/screen (16) capable of use as a wash bucket screen, comprising a planar platform (17, 30) slanting from a high perimeter portion to a lower perimeter lower portion, a skirt (in the form of wall 18) vertically depending from a platform perimeter at a skirt proximal end, adapted to support the platform (17, 30) above a skirt distal end, the platform (17, 30) having a plurality of holes (22) therethrough wherein the skirt being capable of flexing resiliently to accommodate a narrowing bucket wall (11) providing

an effective splash shield between the screen (16) and the bucket wall (11, 10), as in figs. 1 – 4 and cols. 3 – 4. Dunn et al. fail to disclose the skirt having vertical slits opening to the skirt distal end allowing skirt portions between slits to bend resiliently as a flange extending horizontally from the skirt rides the bucket wall and further the platform and the skirt including channels on the platform perimeter at the lower perimeter portion and extending along the skirt channeling debris from the platform to the bucket bottom outside the skirt. Hill teaches a similar screen device comprising a platform (B) having a plurality of holes (a) therethrough and a skirt (b) depending vertically from the platform perimeter and the skirt further including vertical slits (c) opening to the skirt distal end allowing skirt portions between slits to bend resiliently as a flange (d) extending (slightly) horizontally from the skirt (b) rides the bucket wall (A) and further the platform and the skirt including channels (those formed by at least some of the slits) on the platform perimeter and extending along the skirt capable of channeling debris from the platform to the bucket bottom outside the skirt, as in figs. 1 – 2 and specification. Here, since the platform of Dunn as modified by Hill, would have a lower perimeter portion (due the slanting cross-section) that the slits formed on the skirt along that perimeter portion would obviously form channels at the lower perimeter portion capable of channeling debris from the platform to the bucket bottom outside the skirt. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the screen of Dunn et al. by adding the embodiments taught by Hill, in order to provide an improved screen device which can adjust to fit into different size containers/bucket walls.

21. With regards to claim 16, Dunn et al. further disclose a plurality of ridges (40) being formed/disposed radially on the platform (17, 30, 41) from a center thereof to a platform perimeter, as in figs. 7 – 8.

Response to Arguments and Amendments

22. With respect to the rejections of claims 1 and 3 based on the previously presented prior art, Biesinger, applicant's arguments are considered not persuasive. In particular, applicant has not yet narrowed down the specifics of the claimed invention to avoid the teachings of the prior art, Biesinger. In particular, applicant has been mistaken in pointing out that since the surface (18) which the examiner has considered as the platform (i.e. *a raised flooring or surface*, according to definition given in Webster Dictionary, 10th edition, page 891) being concave and only has one opening in the middle portion thereof that it fails to meet the limitations of a platform having a plurality of holes therethrough, as in page 4 of the response. Applicant is asked to take once again a look at the entirety of the disclosure of Biesinger and specifically in the embodiment in Fig. 9 and disclosure in cols. 4, lines 64 – 67 and 5, lines 1 – 6. Here, Biesinger clearly discloses that the surface (18) could have a plurality of openings (20) therethrough. Since the platform, as claimed in base claim 1, has not been narrowed to mean only a "flat" raised surface, the concavity of surface 18 is irrelevant in this instance. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that

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the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

23. Applicant's amendments and arguments filed on 1-13-03 have been considered but with regards to claims 1, 3 - 4, 6 - 8, 10, 13 - 17 and 19 are moot in view of the new grounds of rejection based on newly found prior art, namely Hill and Dunn et al., presented above. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Conclusion


25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

27. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


M.S.O.

March 24, 2003


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1/CC